

Patent
Attorney Docket No.: 14.0123
(WEST/0027)

REMARKS

Section 112 Objections

Claims 31-48 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 31-32 and 44 have been amended accordingly to replace the terms "may (...) be" with the terms "is" or "are." Claim 44 has been further amended to replace the phrase "program units" with the phrase "input values" accordingly.

Section 103 Rejection

Claims 25-48 stand rejected under 35 U.S.C. 103(a) as being unpatentable over European Patent No. EP 613025 B1 ("Elholm"). This rejection is respectfully traversed because the Examiner has failed to present a *prima facie* case of obviousness.

To establish a *prima facie* case of obviousness, three basic criteria must be met: 1) there must be some objective suggestion or motivation, either in the prior art reference(s) or in knowledge generally available to one of ordinary skill in the art, to modify to combine reference teachings; 2) there must be a reasonable expectation of success by the resulting combination or modification; and 3) the combined or modified prior art reference(s) must teach or suggest *all the claim limitations*. The teaching or suggestion to make the claimed combination/modification and the reasonable expectation of success must both be found in the prior art and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ 2d 1438 (Fed. Cir. 1991).

Claims 25 and 39 have been amended such that both claims presently recite the step/function of "obtaining a predicted position of the streamer positioning devices." Such predicted position determination is preferably based upon the behavior of the streamers, and can be accomplished more rapidly than actual position determination according to prior art methods that are plagued by low sample rates and time delays. *Applicant's Specification* at page 3, second full paragraph, and the

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paragraph that bridges pages 7-8.

Elholm teaches in a very general sense, at column 6, lines 50-56 thereof, the use of sensors including "speed transmitters" and "positioning instruments" installed in a streamer positioning device so that "the device is able to adjust its course by means of its own control loops." Elholm fails to disclose or even suggest predicting the position of streamer positioning devices to avoid delays inherent in actual position measurements. Nor does Elholm disclose or suggest "calculating desired changes in the orientations of the respective wings of at least some of the streamer positioning devices using said predicted position and said estimated velocity" (emphasis added), as also required by claims 25 and 39. There is no disclosure whatsoever in Elholm of performing calculations that use either a predicted position or an estimated velocity of a streamer positioning device to produce desired changes in wing orientation.

Elholm clearly fails to teach all the limitations of claims 25 and 39, as well as the other claims based thereon. Furthermore, there has been no identification of a teaching in the art that bridges the above-identified gaps between Elholm and the claimed invention. Accordingly, the rejection of claims 25-48 on obviousness grounds is not supportable. Reconsideration and withdrawal of this rejection is respectfully requested.

In conclusion, Applicant submits that all remaining claims in the present application are entitled to allowance and such action is earnestly solicited.

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In the event there are additional charges in connection with the filing of this Response, the Commissioner is hereby authorized to charge the Deposit Account No. 50-0714/WEST/0027 of the firm of the below-signed attorney in the amount of any necessary fee.

Respectfully submitted,

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